

TITLE 327 WATER POLLUTION CONTROL BOARD

Emergency Rule

LSA Document #11-____(E)

Temporarily adds provisions for national pollutant discharge elimination system (NPDES) general permits for discharges of aquatic pesticides to waters of the state as required under 40 CFR 122. Effective February 16, 2011.

Section 1. The commissioner may issue a general permit to any person for point source discharges from the application of pesticides to waters of the state consistent with:

- (1) the U.S. Environmental Protection Agency (EPA) pesticide general permit requirements promulgated under 40 CFR 122;
- (2) 327 IAC 15 as applicable to permits issued under this document; and
- (3) this document.

Section 2. The general permit is effective for application of pesticides on or over waters of the state of Indiana.

Section 3. Any person violating any provision of a permit issued under this document shall be subject to enforcement and penalties as set forth under 327 IAC 15-1-4 and IC 13-30.

Section 4. (a) The commissioner may require any person who has submitted a notice of intent under this document, or who otherwise has obtained coverage under this general permit, to apply for and obtain an individual NPDES permit when any of the following apply to that person:

- (1) The discharge currently is, or potentially may be, a significant contributor of pollution.
- (2) The person is not, or previously has not been, in compliance with the conditions of an NPDES general permit.
- (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.
- (4) Effluent limitation guidelines are promulgated for point sources covered by the general permit.
- (5) The water is identified as impaired by that pesticide or its degradates pursuant to section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).
- (6) The commissioner has revoked the general permit.

(b) If the person has general permit coverage and does not apply for an individual permit within ninety (90) days after receiving notification from the commissioner to submit such an application to the department, then the existing general permit coverage for that person is terminated.

Section 5. 327 IAC 15-2-4 does not apply to this document or to a general permit developed and issued by the department in accordance with this document.

Section 6. Sections 1 through 5 of this document expire on May 17, 2011.

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